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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BLAINE JOHNSTON,)	Case No. C06-02297 SBA
)	
Plaintiff,)	PLAINTIFF'S STATUS REPORT
)	AND ORDER
v.)	
)	
SOFTWARE HOUSE INTERNATIONAL,)	
INC.,)	
)	
Defendant.)	
_____)	

NOW COMES counsel for the plaintiff, Blaine Johnston, and pursuant to the Court's March 19, 2007 order, hereby provides the Court with this Status Report:

1. On March 12, 2007, plaintiff's counsel filed a Statement Regarding Death of the Plaintiff with this Court, pursuant to Federal Rule of Civil Procedure 25. The parties, by and through their counsel, also filed a stipulation on March 12, 2007 to request that the Court vacate all dates in the Case Management Order and stay all actions in the matter due to plaintiff's death, until the probate court had ruled on whether this case was an asset of the trust plaintiff had established prior to his death;

2. On March 19, 2007, this Court vacated the dates in the Case Management Order and ordered that all actions in the case be stayed. The Court further ordered that plaintiff's counsel inform the Court as soon as the probate court had ruled on the matter and provide the

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1 Court with a status report no later than June 14, 2007;

2 3. On May 15, 2007, the probate court ordered that this case, *Johnston v. Software*
3 *House International, Inc.*, Case No. C06-02297, is an asset of The Blaine Johnston Family Trust,
4 and is subject to the management and control of the Trustee of The Blaine Johnston Family
5 Trust, Vickie Gorgone.

6 4. On June 5, 2007, the parties filed a Stipulation and Proposed Order Substituting
7 Vickie Gorgone, Trustee of The Blaine Johnston Family Trust, for the Plaintiff Blaine Johnston.

8 5. The parties are now engaged in negotiations in an effort to settle this case. If
9 these negotiations are not productive, the parties will consider going to mediation. Therefore,
10 plaintiff's counsel proposes holding over this matter and providing the Court with a status report
11 in 60 days.

12
13
14 DATED: June 7, 2007

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16 By: /s/ Sarah C. Beard
17 Jody I. LeWitter
Sarah C. Beard

18 Attorneys for Plaintiff Blaine Johnston
19
20

21 **ORDER**

22 IT IS SO ORDERED.

23
24 DATED: 6/14/07


25 Hon. Sandra Brown Armstrong

26
27
28
*Siegel &
LeWitter*

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